Submission of a reply to Resolution 78/241 “Lethal Autonomous Weapons Systems” adopted by the General Assembly on 22 December 2023

REFERENCE: ODA-2024-00019/LAWS

REPUBLIC OF BULGARIA

Bulgaria welcomes the opportunity to submit its views for consideration by the United Nations Secretary-General, in accordance with resolution 78/241 “Lethal autonomous weapon systems”, adopted by the General Assembly on 22 December 2023, which requested the Secretary-General to seek views on “ways to address the related challenges and concerns they [autonomous weapon systems] raise from humanitarian, legal, security, technological and ethical perspectives and on the role of humans in the use of force.”

Bulgaria has been consistently engaged in the deliberations on emerging technologies in the area of lethal autonomous weapons systems within the framework of the Convention on Conventional Weapons (CCW). Since the establishment of the Group of Governmental Experts on Lethal Autonomous Weapons Systems (GGE LAWS) in 2017, Bulgaria has been participating proactively and constructively in the discussions by sharing its views and ideas on issues and concepts related to autonomous weapons systems in light of technology, military effects and legal and ethical considerations.

Having a clear understanding of the urgency of clarifying the international regulation of autonomous weapons systems, in October 2023 Bulgaria joined as a co-sponsor of the UN General Assembly resolution 78/241 on lethal autonomous weapons systems, through which the overwhelming majority of States stressed the urgent need for the international community to address the challenges posed by autonomous weapon systems.

I. Ways to address the related challenges and concerns they raise from humanitarian, legal, security, technological and ethical perspectives

Being a strong proponent of the two-tier approach, Bulgaria considers such an approach to offer a legitimate and favorable framework to address related challenges and concerns they [autonomous weapon systems] raise from humanitarian, legal, security, technological and ethical perspectives.

The two-tier approach calls for a distinction between 1) autonomous weapons systems operating completely outside human control and a responsible chain of command and 2) autonomous weapons systems featuring autonomous functions, requiring regulations to
ensure compliance with international law, more specifically international humanitarian law (IHL).

The application of IHL lies at the heart of the two-tier approach, that should aim at prohibition of weapons systems that could not ensure conformity with IHL. Regulation of autonomous weapons systems, on the other hand, requires the process of their development and use to be conducted in full accordance with IHL and its key principles, in particular distinction, proportionality and precautions in attack. Alongside, regulation should include the introduction and implementation of certain policies and measures to be applied throughout the whole lifecycle of an autonomous weapons system.

Together with Denmark, France, Germany, Italy, Luxembourg, Norway, Bulgaria has submitted guidance on possible concrete types of measures and policies on the basis of the two-tier approach¹.

II. The role of humans

Human control is central to the IHL compliance and ethical acceptability of autonomous weapon systems. To ensure the use of such weapons systems fully complies with the IHL and its key principles and to avoid any accountability gaps, human control must be preserved and retained at the various phases of research and development, validation, deployment and use of autonomous weapons systems, but primarily at the targeting cycle.

Human control can be exercised in a distinct way during the different phases of the lifecycle of an autonomous weapons system. The extent and type of human control to be exerted over an autonomous system to guarantee compliance with IHL depends on the complexity of the operational environment; on the intricate characteristics of the weapons system itself and its capabilities and capacities and, also, on its intended use and tasks to be performed.

The targeting process requires making a complex assessment of the conflict environment and military objectives to be achieved in order to verify that an attack is lawful under IHL norms and principles. The subordination of an autonomous weapons system to a higher military authority in the responsible chain of command must be assured before the authorization of use of force is issued.

Applying the requirements of the legitimate use of autonomous weapons systems and assessing the lawfulness of the use of force by such a system prior to its authorization is a complex process, which requires humans to have:

- deep and thorough understanding of the capabilities and functionalities of the system in use, an appropriate situational awareness of the conflict environment an autonomous weapons system is anticipated to operate in and sufficient level of intelligence about the military target thus enhancing the levels of predictability and reliability of the system’s performance and actions;

- approved and validated before every mission and operation Rules of Engagement that set time-related and dimensional limits, define controlled and proportional use of military power on the basis of IHL norms and requirements described in detail in the planning process of a specific operation. In any situation, the use of force must be controlled and restricted to the commander's initial intent and to the effects needed to achieve military objectives.

III. Operationalization of the two-tier approach

Bulgaria considers the Convention on Certain Conventional Weapons to offer an appropriate international framework for discussions, exchange of views and expertise among a broad range of stakeholders on issues and concepts on various dimensions related to the emerging technologies in the area of LAWS such as technology, military effects, international law and ethics.

As the 2024 Chair of the CCW, Bulgaria stands committed to undertake every necessary effort to facilitate the work of the GGE LAWS in advancing the deliberations on the regulation of autonomous weapons systems and fulfilling its mandate to further consider and formulate, by consensus, a set of elements of an instrument.

In this endeavor, GGE LAWS profits from several years of in-depth, sound and well-grounded discussions, previously adopted GGE reports and dozens of working papers that have encouraged States to build upon shared understandings and seek even further commonalities on fundamental issues of essence. The convergence on the two-tier approach based on prohibitions and regulations could be considered as one of the achievements of the work of the GGE in recent years.

Bulgaria will continue its proactive and constructive work within GGE LAWS in an effort to promote further convergence on the two-tier approach on the basis of prohibitions and regulations. Clarifying the content of the two-tier approach in existing law, and its application to autonomous weapons systems within an instrument is a condition for effective regulation.
A comprehensive proposal for an instrument under the GGE LAWS mandate can be found on the following link and as an Annex to the French submission: https://docs-library.unoda.org/Convention_on_Certain_Conventional_Weapons_-_Group_of_Governmental_Experts_on_Lethal_Autonomous_Weapons_Systems_(2024)/CCW-GGE.1-2024-WP.3.pdf

Regarding the form of an instrument on LAWS, Bulgaria stands ready to support start of negotiations and adoption of an Additional Protocol (VI) to CCW on the basis of the two-tier approach.